

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-15655-2021
Decided on : 26.10.2021**

Mukesh

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Dhruv Gupta, Advocate
for the petitioner(s).

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Ms. Poorva Gupta, Advocate
for respondent No.2 (complainant).

MANJARI NEHRU KAUL, J. (Oral)

The instant petition is for quashing of FIR No. 369, dated 24.11.2019, lodged under Section 4 of the POCSO Act, 2012 and Section 506 of IPC, registered at Police Station Mahesh Nagar, District Ambala (Annexure P-1) and all the consequential proceedings arising out of the same, on the basis of compromise dated 01.04.2021 (Annexure P-2) arrived at, between the parties.

It is the case of the petitioner that respondent No.2 (complainant), was a minor on the date of alleged occurrence i.e. 24th November, 2019, since her date of birth was 01st January, 1998. Still further, learned counsel for the petitioner has submitted that the FIR had been got registered on account of some trivial misunderstandings and differences between the spouses i.e. the petitioner and respondent No.2 (complainant – wife), which, however, were ironed out subsequent to the

registration of the FIR in question. Thereafter, both the petitioner and respondent No.2 had solemnized their marriage. He further submitted that the parties had been living together happily ever since then along with their child, a baby boy, who was born on 21st December, 2019.

Vide order dated 08th April, 2021 of the coordinate Bench of this Court, the parties were directed to appear before the learned Illaqa Magistrate/trial Court on 23rd April, 2021, to get their statements recorded, regarding the compromise arrived at, between them.

Report has since been received from the learned ADJ-Fast Track Court under POCSO Act, Ambala, in pursuance to the direction of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that she would have no objection if the FIR *qua* the accused-petitioners is quashed. The trial Court has annexed the copies of the statements of the parties in original along with its report.

Learned State counsel too submits that there is no other accused other than the petitioner and respondent No.2 is the only aggrieved person in the FIR in question.

In view of the report of the learned ADJ-Fast Track Court under POCSO Act, Ambala, and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of

it, are quashed.

Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

(MANJARI NEHRU KAUL)
JUDGE

October 26, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*